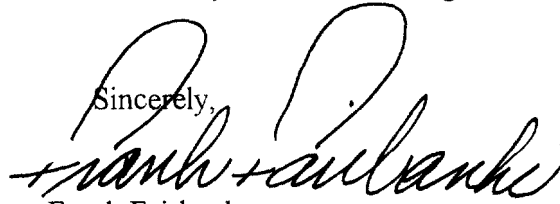


to help them meet their obligations to install digital television facilities by 1999 or 2006, while remaining within state and local planning and zoning authority. If we can provide any additional information please contact Norris Nordvold at the City of Phoenix Intergovernmental Programs Office, (602) 256-4257.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank Fairbanks". The signature is written in dark ink and is positioned above the printed name and title.

Frank Fairbanks
City Manager

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
ADIRONDACK PARK AGENCY

P.O. Box 99, Route 86
RAY BROOK, NEW YORK 12977
(518) 891-4050
FAX: (518) 891-3938

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OCT 30 1997

October 29, 1997

Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Members of the Commission:

Subject: MM Docket No. 97-182
Preemption of State and Local Zoning
and Land Use Restrictions on the Siting,
Placement and Construction of Broadcast
Station Transmission Facilities

The Adirondack Park Agency is a State agency with responsibility for New York's Adirondack Park, a six-million-acre area in northern New York, home to the largest designated Wilderness area east of the Mississippi River. The Park includes both public and private lands in about equal portions. The Agency administers plans for both pursuant to the Adirondack Park Agency Act (Executive Law, Article 27), as well as the New York State Freshwater Wetlands Act (Environmental Conservation Law, Article 24) and the New York State Wild, Scenic and Recreational Rivers System Act (Environmental Conservation Law, Article 15, Title 27) within the Park. It is also subject to century-old provisions in the New York State Constitution that designate the public lands forever wild: "The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands...." The New York State Constitution also protects scenic beauty: "The policy of the state shall be to conserve and protect its natural resources and scenic beauty...." (Article XIV, §4).

The proposed rule would preempt New York State law, virtually eliminating State legal protections for the public and private lands of the Park with respect to broadcast transmission facilities. It would substitute the judgement of federal officials in (in the words of the FCC Local Government Advisory Committee) "an expensive, distant and unfamiliar forum...." We vigorously object to the breadth and depth of this proposal.

Director

Federal Communications Commission

October 29, 1997

Page 2

State parks and wilderness areas must be protected from such a sweeping preemption.

The provisions of the Adirondack Park Agency Act require an applicant for new land use and development on private land and over 40 feet in height to demonstrate there would be no "undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the park...taking into account the commercial, industrial, residential, recreational or other benefits that may be derived from the project." (APA Act, §809(10)(e).) A State program providing reasonable protection to natural and environmental resources should not be the subject of sweeping preemption for all broadcast transmission facilities.

The information available with the notice suggests that the proposed preemption is overly broad and inappropriate to the purported objective of facilitating broadcast digital television to major (the top 30) U.S. markets, especially in the absence of any specific legislative authority.

In addition, as we understand this proposal, there would be some residual authority left to State and local controls on health and safety issues, but the burden is on State and local governments to demonstrate the regulation is reasonable. While the proposal may allow some substantive input on health and safety matters, it does not accommodate environmental or aesthetic concerns. For whatever residual authority remains to State and local government, the proposal allows only ridiculously short time frames for local action, often before a meeting of this agency could be scheduled, and bypasses local court review. We cannot agree that such local issues can be swept aside.

Towers servicing different wireless transmission needs continue to be located in the Adirondack Park, consistent with the Park's State and private land use plans. We believe the State's statutory procedures administered by this agency provide timely review and appropriate protections of the unique values of the Park, and that the proposed rule is inappropriate and unnecessary as it might apply in the Adirondack Park.

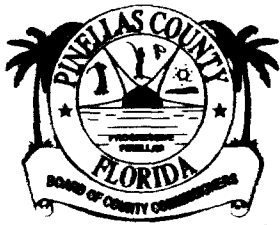
Sincerely,



Daniel T. Fitts
Executive Director

DTF:dal

cc: Agency Members and Designees



PINELLAS COUNTY
BOARD OF COUNTY COMMISSIONERS

PHONE (813) 464-3360 • FAX (813) 464-3022 • 315 COURT STREET • CLEARWATER, FLORIDA 34616

CALVIN D. HARRIS
COUNTY COMMISSIONER

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OCT 30 1997

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October 29, 1997

FOR MAIL ROOM

Office of the Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket No. 97-182
Preemption of State and Local Zoning and
Land Use Restrictions on the Siting, Placement
And Construction of Broadcast Station
Transmission Facilities

Dear Sir:

On behalf of the Board of County Commissioners, Pinellas County, Florida, I must voice our concerns regarding the proposed rule referenced above. Pinellas County is the most densely populated county in the State of Florida with over 3,000 persons per square mile. This abundance promotes extreme consideration on our part regarding zoning and land use in our community. The Board has been elected to serve and protect the public's trust, thus, I do not understand what role, if any, the FCC should have in our planning and zoning considerations.

We find the proposed time limits unduly burdensome and unrealistic. It completely ignores current local procedures on zoning requests for the needs of one business entity. Our current procedures involve a 50-60 day time frame, if there are no extenuating circumstances, between the filing deadline and action. The interim between the filing deadline and action allows for review of the proposal, public notice, in accordance with state law, and a mailing to all affected parties.

The expedited process sought by the Petitioners would not be fair to other entities seeking variances and exceptions and would disrupt a currently orderly process. It would also place additional hardship on a lean well-run department. Would the FCC with its current staffing, appropriation, and responsibilities be able to adhere to the timetable as proposed for its role in this process? A 90-day time limit for local governments would be more practical.

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Office of the Secretary

October 29, 1997

Page 2

In addition the petitioners disregard for the aesthetics, property values, and other environmental considerations is appalling. It indicates a lack of consideration for a community's desires and culture.

With all due respect, we do not consider the FCC a neutral party in this matter. You adopted the accelerated schedule for the construction of DTV transmission facilities and have a vested interest in its achievement. The current practice of appealing local decisions through the courts continues to be our preference. Your role as the provider of a forum to which parties can turn for suggestions on resolving local disputes is acceptable.

I strongly urge you to reject the Petitioner's request and develop a more realistic, fair and objective process.

Very truly yours,

Calvin D. Harris (605)

Calvin D. Harris,
Pinellas County Commissioner